

MINUTES
REGULAR MEETING OF THE BOARD OF EDUCATION
MT. DIABLO UNIFIED SCHOOL DISTRICT
Monday, October 25, 2016 (5:30 p.m./7:00 p.m.)

CALL TO ORDER

President Hansen called the meeting to order at *5:30 p.m. with all members present with the exception of Brian Lawrence.

PUBLIC COMMENT

No Public Comment was made.

CLOSED SESSION AGENDA

3.1 (Item #1) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Leyla Benson; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856

3.2 (Item #2) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8) Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California District Negotiator: Nellie Meyer Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County

3.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574

3.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 3 cases

3.5 (Item #5) Business Services Departmental Reorganization

3.6 (Item #6) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

3.7 (Item #7) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

3.8 (Item #8) Expulsion of Student #04-17 from all regular schools of the Mt. Diablo Unified School District

3.9 (Item #9) Expulsion of Student #06-17 from all regular schools in the Mt. Diablo Unified School District

3.10 (Item #10) Expulsion of Student #07-17 from all regular schools in the Mt. Diablo Unified School District

3.11 (Item #11) Readmission of Student #11-15 into regular schools in the Mt. Diablo Unified School District

ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at *5:32 p.m.

RECONVENE OPEN SESSION

The Board reconvened Open Session at *7:05 p.m.

PRELIMINARY BUSINESS

President Hansen led the Pledge of Allegiance and conducted Roll Call with all Board members present.

REPORT OUT ACTION TAKEN IN CLOSED SESSION

7.1 (Item #1) Negotiations - The Board may discuss negotiations or provide direction to its representatives regarding represented employees, pursuant to EERA (Govt. Code Section 3549.1) Agency negotiators: Leyla Benson; Agencies: MDEA, DMA, MDSPA, CSEA, CST Local 1 and Teamsters Local 856

The Board received an update on negotiations with the various bargaining units.

7.2 (Item #2) Conference with Real Property Negotiators (Gov. Code Sec. 54956.8)

Property: A portion of the Pleasant Hill Middle School site located at One Santa Barbara Road, Pleasant Hill, California District Negotiator: Nellie Meyer Negotiating Parties: Staff from City of Pleasant Hill and Contra Costa County

The Board exchanged information with the District negotiator regarding a portion of the Pleasant Hill Middle School site.

7.3 (Item #3) Existing Litigation - Conference with Legal Counsel (Paragraph (1) of subdivision (d) of Government Code Section 54956.9): Mt. Diablo Unified School District v. Clayton Valley Charter High School, et al., Contra Costa Superior Court Case No. MSC15-00574

The Board held a discussion.

7.4 (Item #4) Anticipated Litigation - Conference with Legal Counsel pursuant to Gov't. Code Sec. 54956.9(d), Significant Exposure to Litigation and Consider Initiation of Litigation: 3 cases

The Board received information from legal counsel on three cases.

7.5 (Item #5) Business Services Departmental Reorganization

The Board held a discussion on this item.

7.6 (Item #6) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

This item was postponed until the November 16, 2016, Board meeting.

7.7 (Item #7) Discipline, Dismissal or Release of Public Employee (Gov. Code Sec. 54957(b)(1))

This item was postponed until the November 16, 2016, Board meeting.

7.8 (Item #8) Expulsion of Student #04-17 from all regular schools in the Mt. Diablo Unified School District

Mayo moved, Lawrence seconded, and the Board voted 5-0-0 to approve in considering the expulsion of student #04-17 from all regular schools of the Mt. Diablo Unified School District, the District agrees to a Compromise and Release Agreement based on the following terms: The student will have a suspended expulsion through June 30, 2017 and the parents have waived their rights to an expulsion hearing and agreed to the terms of the Compromise and Release Agreement.

7.9 (Item #9) Expulsion of Student #06-17 from all regular schools in the Mt. Diablo Unified School District

Lawrence moved, Mason seconded, and the Board voted 5-0-0 to approve that Student #06-17 be expelled from all schools of the Mt. Diablo Unified School District and that Student #06-17 may apply for readmission after April 26, 2017. It is required that Student #06-17 participates in twenty (20) hours of individual counseling, complete 30 hours of community service, attend MDUSD Saturday Workshop for Anger Management, participate in California Offender Program Services (COPS), show evidence of a successful school experience, with no suspendible infractions, maintain at least a 2.0 GPA and have a 90% attendance rate.

7.10 (Item #10) Expulsion of Student #07-17 from all regular schools in the Mt. Diablo Unified School District

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve that Student #07-17 be expelled from all schools of the Mt. Diablo Unified School District and that Student #07-17 may apply for readmission after April 26, 2017. It is required that Student #07-17 participates in twenty (20) hours of individual counseling to address social and emotional issues, attend the COPS Program, and show evidence of a successful school experience with good attendance, no suspendible behavior infraction, and maintain at least a C average, prior to readmission.

7.11 (Item #11) Readmission of Student #11-15 into regular schools in the Mt. Diablo Unified School District

The Board voted 5-0-0 on action taken on this item.

PUBLIC COMMENT

George Fulmore spoke about his experience as a volunteer at Meadow Homes Elementary School.

Dorothy Weisenberger spoke about the need for transparency between Board of Education candidates and bargaining units.

Denise Pursche announced her candidacy for Board of Education as a write-in candidate and briefly shared her qualifications.

Denise Lambert thanked the Board for their transparency. She shared her concerns about a lack of support for lower socio-economic students in the Concord schools.

Cherise Khaund, candidate for Board of Education, shared highlights and information gathered through her recent listening tour throughout the District.

COMMUNICATIONS

Dorothy Weisenberger shared that the Celebration of Success for Special Education students will be held at 6:30 p.m. at Concord High School on October 27, 2016.

RECOGNITIONS AND RESOLUTIONS

10.1 Resolution No. 16/17-17: Native American Heritage Month

November has been designated as Native American Heritage Month. The Mt. Diablo Unified School District also recognizes the contributions made by Native Americans to the economic, political and social development of California and the nation.

Mayo moved, Mason seconded, and the Board voted 5-0-0 to approve Resolution No. 16/17-17, declaring November, 2016, Native American Heritage Month.

PUBLIC EMPLOYEE APPOINTMENT

11.1 Appointment of Elementary Principal, Sequoia Elementary School

Mayo Moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointment of Glendaly Gascot, to the position of Elementary Principal, Sequoia Elementary School.

11.2 Appointment of Vice Principal, Continuation School, Olympic High School

Oaks moved, Mason seconded, and the Board voted 5-0-0 to approve the appointment of Claudia Rodriguez to the position of Vice Principal, Continuation School, Olympic High School.

STUDENT REPRESENTATIVES

Student representatives reported on activities at their high schools.

BOARD MEMBER REPORTS

Mrs. Mayo reported that she's been canvassing the neighborhood, sharing her support of Proposition 55. She recently attended the Mt. Diablo Adult Education Open House, the CARES After School Lights On event, the Pleasant Hill Education Foundation Board candidate debate, and attended the County Office of Education meeting on the proposed tech charter school. Mrs. Mayo also shared she attended the Ygnacio Valley College Fair on October 24th, and the county PTA training. She announced the Science Fair at California State University East Bay will be held on Saturday, October 29th from 10:00 a.m. until 2:00 p.m.

Mrs. Oaks shared her thoughts about the Mt. Diablo Adult Education Open House and the programs offered by Adult Education.

Mrs. Mason reported that she attended the District College Fair held at Ygnacio Valley High School, as well as the Mt. Diablo Adult School Open House. She attended the District Coordinated School Health Meeting and last Saturday, PG&E offered a wetlands educational program for students at Riverview Middle School. The event was sparsely attended, but those there had a good time and earned about the wildlife within the wetlands of the Delta.

Mr. Lawrence thanked Dorothy Weisenberger and Denise Lambert for their comments. He remarked that this Board of Education has been much more transparent than other Boards before. He stated he was not aware of any misdeeds by the Board or staff and iterated that his comments at the October 9th Board meeting were directed at the actions of Guy Moore (MDEA President).

Ms. Hansen shared she recently attended the CARES After School Program Lights On event at Ygnacio Valley Elementary, where students gave tours of their gardening projects and technology in their program. Ms. Hansen also shared she attended the District-wide College Fair at Ygnacio Valley High School where there were hundreds of representatives from colleges and local programs, such as Adult Education and Ygnacio Valley High School's International Baccalaureate (IB) Program. Ms. Hansen noted that high school students enrolled in the IB Program, can earn up to one year of college credit from universities recognizing the IB Program.

SUPERINTENDENT'S REPORT

Dr. Meyer reported that the District is in the process of selling the last portion of the Measure C Bonds. She pointed out that MDUSD was upgraded from AA3 to AA2 credit rating and received the top rating possible from Fitch.

Dr. Meyer shared photos of happenings across the District. She noted that counselors across the district have been working on restorative practices by learning about the best ways to discipline, and the most successful ways to promote a positive environment within the classroom and school.

Dr. Meyer recounted a presentation she attended the previous week, about what libraries of the future should look like. She noted libraries will contain "makers spaces", areas to work on engineering projects or PLTW projects and that she is very excited about the new library. Dr. Meyer spoke about the Earn and Learn Program, whereby high school students work over the summer with younger students in lower socio-economic areas through community organizations. Monument Crisis Center, park & recreation programs and community centers were a few of the organizations participating in Earn and Learn.

Dr. Meyer stated that on October 21st, all schools participated in preparedness drills. Drills included fire, earthquake and intruder.

Dr. Meyer shared pictures of the District-wide College & Career Fair held on October 24th and stated the event was extremely well attended. Also well attended was the first DELAC (District English Learner Advisory Committee) where discussions centered around the LCAP, test results and English learners.

Dr. Meyer showed photographs of the annual statewide celebration "Lights On" through the MDUSD CARES After School Program. Photos included students giving tours of their tutoring program, culinary programs, and cheerleading. Dr. Meyer shared several pictures of the Pleasant Hill Elementary carnival and parade.

Lastly, Dr. Meyer shared a short touching video clip of a teacher telling a student why the teacher comes to work/teaches each day.

REPORTS/INFORMATION

15.1 Presentation on Intradistrict and Interdistrict Transfers

Staff will review the process and timelines for intradistrict and interdistrict transfers.

Dr. Felicia Stuckey-Smith, Director of Student Services, utilized a PowerPoint to describe in detail the types of transfers offered by the District, the process and timeline for transfers, and the priority order applied to transfers. Enrollment and transfer numbers for each high school were shared. Dr. Stuckey-Smith answered questions posed by Board members.

CONSENT AGENDA

16.1 (Item #1) Items listed under Consent Agenda are considered routine and will be approved/adopted by a single motion. There will be no separate discussion of these items; however, any item may be removed from the consent agenda upon the request of any member of the Board and acted upon separately.

Oaks Moved, Mason seconded, and the Board voted 5-0-0 to approve all Consent Agenda items thereby approving the following:

16.2 (Item #2) Mt. Diablo High School's trip to Hidden Villa, Los Altos, CA, November 1-2, 2016

Mt. Diablo High School is requesting permission to travel to Hidden Villa in Los Altos, California on November 1-2, 2016. Twenty students will travel by District provided charter bus along with 3 chaperones and will stay at the Hidden Villa Youth Hostel in Los Altos. Students will have hands on experience learning about sustainable farming and ecotourism.

16.3 (Item #3) BTSA Induction Support to Private School Teachers

The Beginning Teacher Support and Assessment (BTSA) Induction Program is a state-funded program, co-sponsored by the California Department of Education (CDE) and the Commission on Teacher Credentialing (CCTC) designed to support the professional development of newly-credentialed, beginning teachers and fulfill the requirements for the California Clear Multiple and Single Subject Credentials. Though state funding is not available to charter/private school teachers for BTSA Induction, they are allowed to be served by an approved program in their vicinity with funding for support services to be provided by the private institution. St. Agnes School, NorthCreek Academy, and Christ the King School are located within the boundaries of Mt. Diablo Unified and currently each school has one teacher in need of BTSA Induction. A formal Memorandum of Understanding describing payment structure and agreements is necessary in order for the Mt. Diablo Unified BTSA Induction Program to provide support.

16.4 (Item #4) Contract between UC Berkeley and Mt. Diablo Unified School District

The Regents of the University of California on behalf of its California Reading and Literature Project has been contracted to provide ADEPT Training to our teachers on November 2. The ADEPT is a language assessment that we use at the elementary level to measure language growth. The cost of this contract is \$10,000.00. Because of the various contracts UC Berkeley has with other departments within the School District, this contract will now exceed their \$25,000 threshold for this school year.

16.5 (Item #5) Extension of Bid 1723: Custodial Supplies District Wide

At the October 26, 2015, the Board of Education awarded Bid 1723 to provide Custodial Supplies District Wide to Cole Supply. The initial contract term was October, 2015, through November, 2016, for a period of (1) year with two (2) one year options to renew. The contract may be extended upon mutual consent of

the district and vendor for two additional one-year periods in accordance with the provisions contained in Education Code Section 17596.

Staff is recommending a second one-year extension of Bid 1723 beginning November 1, 2016 through October 31, 2017.

16.6 (Item #6) Execution of the Master Contract with AlphaVista Services to Provide Contracted Speech Therapists to the District for the 2016-2017 School Year

AlphaVista Services provides speech and language pathologists (SLPs) for vacant SLP positions in the District, independent speech evaluations, and speech services to Non-Public Schools. AlphaVista Services also provides complimentary professional development, and continuing education units as a service to the District.

The amount requested of \$210,000 is a budgeted expense for the 2016-2017 school year. No additional funds are requested at this time.

16.7 (Item #7) Master Contract with Non-Public School Spectrum Center

Mt. Diablo Unified School District's (MDUSD) execution of non-public school placements for the 2016-2017 school year. Request for funds includes basic education, related services, and room & board/mental health services for students in day treatment programs/residential placements.

16.8 (Item #8) Award of Copier Contract for Print Shop Copiers

Being presented is a 5-year contract for Xerox Corporation for the replacement of the Xerox Nuvera 144 and 4127 Copier/Printer for the Print Shop with a (1) updated Xerox Nuvera 144, and (2) D136 Copier/Printers, at a cost of \$10,607.57 per month. Currently the District pays \$9,018.21 per month on the attached purchase order. The District will realize an increase of \$1,589.36 per month or \$95,361.60 for sixty months which includes increasing the number of Print Shop copiers from two to three utilizing the terms and conditions of The National IPA TCPN #15-03.

16.9 (Item #9) Budget Transfers and/or Budget Increases/Decreases, and Donations for July 1, Through September 30, 2016

Some revisions are a result of prior Board actions, changes in grant awards and changes in funding. Donations have been made to the District by private individuals and businesses. The appropriate revenue and expenditure budgets have already been increased by the amount of the donations.

16.10 (Item #10) Fiscal Transactions for the Month of September, 2016

Payments have been made to meet the District's obligations to salaries, improvements, and other outgoing expenses, excluding Lakeshore Learning.

16.11 (Item #12) Recommended Action for Certificated Personnel

16.12 (Item #13) Certificated Personnel: Request to Increase and Decrease Full Time Equivalent (FTE) for the 2016-2017 School Year

The attached positions are requested to be increased and decreased as described.

16.13 (Item #14) Recommended Action for Classified Personnel

16.14 (Item #15) Three Year Contract with McGrath Corporation, dba Mobile Modular Management Corporation, for the Lease of Interim Classroom Buildings at Bancroft Elementary School

It has been determined necessary for the District to install a limited number of DSA-approved temporary housing units at Bancroft Elementary School:

2 - 960 square foot standard classrooms

To accommodate District needs, staff recommends lease agreements to be executed with Mobile Modular Management Corporation for the delivery, rental, take-down and removal of these DSA modular buildings. These agreements will be processed through a valid, existing "piggyback" contract between the Franklin-McKinley School District and McGrath Rent Corporation dba Mobile Modular Management Corporation.

16.15 (Item #16) Three Year Contract with McGrath Corporation, dba Mobile Modular Management Corporation, for the Lease of Interim Classroom Buildings at Bel Air Elementary School

It has been determined necessary for the District to install a limited number of DSA-approved temporary housing units at Bel Air Elementary School:

1 - 960 square foot standard classroom

1 – 1440 square foot classroom with 2 - restrooms

To accommodate Adult Education Program and District needs, staff recommends lease agreements to be executed with Mobile Modular Management Corporation for the delivery, rental, take-down and removal of these DSA modular buildings. These agreements will be processed through a valid, existing "piggyback" contract between the Franklin-McKinley School District and McGrath Rent Corporation dba Mobile Modular Management Corporation.

16.16 (Item #17) Architectural and Engineering Services Contract with PHd Architects Inc. for Temporary Housing at Bel Air Elementary School

The services of a professional architect are required to provide architectural and engineering services to secure DSA approval for installation of two temporary modular buildings at Bel Air Elementary School.

The scope of services includes work required to connect the modular buildings to the existing District systems (i.e. electrical and fire alarm) and work to meet compliance with Access Code, Fire Protection and T-24 regulations.

16.17 (Item #18) Minutes for the Board of Education Meeting Held on September 12, 2016

Minutes for the Board of Education Meeting held on September 12, 2016, are being brought forward for approval.

CONSENT ITEMS PULLED FOR DISCUSSION

17.1 (Item #11) Fiscal Transactions for Lakeshore Learning for the Month of September, 2016 Payments have been made to Lakeshore Learning to meet the district's needs for classroom supplies

(Pulled by Mayo.) Mrs. Mayo requested a voice vote be conducted on this item. Ms. Mayo stated she will recuse herself from the vote as her spouse recently became a paid consultant for Lakeshore Learning on a construction project in another state.

Mason moved, Lawrence seconded, and the Board voted via voice vote 4-0-0 (with Mayo recusing) to approve the Lakeshore Learning transactions for the month of September, 2016.

BUSINESS/ACTION ITEM

19.1 New Job Description for Director of Transportation

In August 2016, the District contracted for a comprehensive Pupil Transportation Study. The study was completed and staff had the opportunity to review findings and recommendations. The recommendations are quite far reaching addressing every aspect of the operation. The principle recommendation, however, was to create a position, Director of Transportation, and fill that position with an individual who is professionally qualified. The recommended job description is attached.

Lawrence moved, Mason seconded, and the Board voted 5-0-0 to approve the creation of a new job description for Director of Transportation.

19.2 Classified Personnel: Request to Increase/Decrease Full Time Equivalent (FTE) for the 2016/17 School Year

The attached positions are requested to be increased/decreased as described.

Mayo moved, Oaks seconded, and the Board voted 5-0-0 to approve the request to increase/decrease Full Time Equivalent (FTE) funding for the 2016/17 School Year.

19.3 Classified Personnel: Appointment of Interim Director of Transportation

Interviews have been conducted and a candidate has been selected to fill the position of Interim Director of Transportation.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the appointment of Elizabeth "Charlie" Mc Alister to the position of Interim Director of Transportation.

19.4 Appointment of Social Work Specialist

Interviews have been conducted and a candidate has been selected to fill the position of Social Work Specialist.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the appointment of Elise Sandoval to the position of Social Work Specialist.

****19.8 High School Designation for Diablo View and Pine Hollow Middle Schools**

Open Enrollment has started within Mt. Diablo Unified School District. Pine Hollow Middle and Diablo View Middle School attendance areas do not have a designated district high school assignment. This item is intended to gather information in order to clarify student assignments for 2017/18.

This item was presented for information.

Public Comment

Marissa Nonaka spoke about being a member of the Montecito neighborhood community and the difficulties students in that neighborhood face without an assigned high school.

Elisha Sanchez spoke about the uncertainty of where children living in the Montecito neighborhood will attend high school.

Jesse Sandhu spoke about the confusion surrounding the high school for students living in the Montecito neighborhood.

Devon Choiniere, student, shared his experience with the uncertainty of not knowing which high school he will attend.

Zee Maestre, urged the Board to designate Northgate High School as the assigned school for students living in the Montecito community.

Gina Haynes spoke about the children living in the Carriage Square neighborhood and requested the Board take their policies into consideration when making decisions about high schools of attendance.

Board members shared their thoughts about assigning high schools.

**This item was moved up on the agenda.

19.5 New Membership Recommendation for Community Advisory Committee (CAC)

The CAC is composed of members that represent the range of programs and services offered by the district, including parents of students with disabilities enrolled in public or private schools, other parents of students enrolled in school, students with disabilities enrolled in special education programs, general education teachers, special education teachers and other school personnel, representatives of other public and private agencies, and persons connected with the needs of students with disabilities.

The majority of the committee is composed of parents of students enrolled in schools participating in the local plan, and at least a majority of the parents are parents of individuals with exceptional needs.

The CAC Bylaws provide that the applicant must attend two regular business meetings. The applicant has attended the required number of meetings and completed the Membership Application.

The CAC is recommending one (1) new member for consideration by the board. The applicant for consideration is Natalie Ivankovich.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve applicant Natalie Ivankovich as a member of the CAC.

Janine Payne spoke on behalf of Natalie Ivankovich, who could not be in attendance.

19.6 Tentative Agreement between California School Employees Association (CSEA) and Mt. Diablo Unified School District

The attached tentative agreement was reached between the bargaining teams. This agreement shall have a three (3) year term of July 1, 2016 through June 30, 2019.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the Tentative Agreement between California School Employees Association and Mt. Diablo Unified School District.

19.7 Request to approve Tentative Agreement between the Supervisory Unit and Mt. Diablo Unified School District

The attached tentative agreement was reached between the Supervisory Unit and Mt. Diablo Unified School District. This agreement will be effective July 1, 2016.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the Tentative Agreement between the Supervisory Unit and Mt. Diablo Unified School District.

**19.8 was moved up on the agenda.

19.9 Williams Quarterly Report for October 31, 2016

The Williams legislation is a package of state laws resulting from the settlement of a class action lawsuit filed in San Francisco County Superior Court in 2000, Eliezer Williams et al, vs. State of California.

The basis of the lawsuit was that agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The Contra Costa County Office of Education has requested quarterly reports on specific complaints designated in the Williams lawsuit settlement.

Quarterly Reports reflect complaints regarding textbooks and instructional materials, teacher vacancies or misassignments, facilities conditions and Valenzuela/CAHSEE support. This quarter's report includes the months of July through September, 2016.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve ratification of the Williams Quarterly Summary Report, September 30, 2016 on Williams Uniform Complaints.

19.10 City of Concord Contract for 2016-2019 for Funding School Resource Officers (SRO)

Seeking approval of the attached agreement with the City of Concord to provide SROs to Concord High School, Mt. Diablo High School and Ygnacio Valley High School for the next 3 school years (2016-2017, 2017-2018 and 2018-2019).

Superintendent Dr. Meyer and Assistant Superintendent Chris Holleran answered questions posed by Trustees.

Mason moved, Mayo seconded, and the Board voted 5-0-0 to approve the contract to provide School Resource Officers to Concord High School, Mt. Diablo High School and Ygnacio Valley High School for the next 3 years (2016-2017, 2017-2018 & 2018-2019).

19.11 Retention of Keller & Benvenutti, LLP, as Special Bankruptcy Counsel to Issue Reasoned Opinion - 2010 Election GO Bonds (Series G)

At the September 26, 2016, Board meeting, the Board of Education voted to proceed with the sale of the remaining 2010 General Obligation Bonds (Series G) in the amount of thirty-eight million, five hundred thousand dollars.

During the rating process, a Reasoned Opinion Statement must be issued from special bankruptcy counsel, confirming that if the District becomes a debtor in a case under Chapter 9 of the United States Bankruptcy Code (11 U.S.C. sections 101 et seq.), a court having valid jurisdiction over the matter, properly applying applicable law to the relevant facts, would determine that (a) the ad valorem tax revenues (the "revenues") pledged to support the Series G Issue constitute "special revenues" within the meaning of Section 902(2) of the Bankruptcy Code, and that (b) revenues are the property of the District and (c) the revenues are pledged to the bondholders pursuant to a security agreement entered into by the District (the "Reasoned Opinion"). Keller & Benvenuti, LLP, has been retained as special bankruptcy counsel to issue the Reasoned Opinion Statement.

Oaks moved, Mason seconded, and the Board voted 5-0-0 to approve to ratify the retention of Keller & Benvenuti, LLP, as special bankruptcy counsel to issue the District's Reasoned Opinion Statement in association with the sale of 2010 Election General Obligation Bonds (Series G).

19.12 Third Party Administrator (TPA) Contract for Service of the District's Liability Claims and Contract with Carl Warren & Company to Administer Liability Claims Under that Contract

The District General Counsel and staff have historically handled all aspects of liability claims within the District's self-insured retention of \$250,000 for each Government Code claim. Common practice for California school districts is to contract with a TPA to administer claims data, investigation, subrogation, excess insurance coordination, billing and additional liability claims oversight. The District's excess liability program (CSAC-EIA) has recommended the District retain a TPA in order to comply with data and reserving best practices.

The District issued a liability TPA Request for Proposal (RFP) in June of 2016. Three public K-12 school TPA companies responded. The General Counsel's office reviewed the responses along with independent liability claims auditor Ken Maiolini. Staff interviewed the top two respondents and recommended the Carl Warren Company to Wayne Oetken and Larry Schoenke.

Mr. Oetken and Mr. Schoenke met with Carl Warren management on October 10, 2016 to discuss the contract, services and their transition plan.

Carl Warren company is a national liability TPA specializing in public entity service and K-12 public schools. Their proposed staff servicing the District will be located in their Concord, California office as well as supporting offices in the Bay Area.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the contract for third party administrator assistance with liability claims through Carl Warren & Co.

19.13 Workforce Development Board of Contra Costa County (WDBCCC) One Stop/American Job Corps Centers (AJCC) Memorandum of Understanding (MOU) with Mt. Diablo Adult Education (MDAE)

The WDBCCC One Stop/AJCC would like to enter into an MOU with MDAE for the purpose of formalizing the long-time collaboration between the WDBCCC One Stop/AJCC and MDAE in the delivery of workforce development adult education programs and services. This MOU, a new requirement of all Workforce Investment and Opportunity Act (WIOA) Grant recipients, to be in place by June 30, 2016, was presented to and approved by the MDUSD Governing Board at its May 23, 2016 meeting for the period of July 1, 2016 through June 30, 2019, for initial services to be rendered by MDAE WDBCCC One Stop/AJCC clients in Concord as outlined in the Addendum attached.

Now, WDBCCC One Stop/AJCC has presented a newly revised MOU to replace the one previously approved. Attached is the proposed MOU to be substituted containing changes to the following sections:

1. “Hold Harmless Indemnification Liability”, now titled “Indemnification” (page 11 of 12)
2. “Local Partners Contacts”, now lists agency only names, with individual contact names removed (page 2 of 14).

Proposed MOU with revisions outlined above highlighted on copy attached.

Additional workforce development adult education programs and services will be developed by MDAE in collaboration with the WDBCCC One Stop/AJCC in the future.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the Memorandum of Understanding between Workforce Development Board of Contra Costa County One Stop/AJCC and Mt. Diablo Adult Education.

19.14 Grant for Classified School Employees Teacher Credentialing Program

The Classified School Employees Teacher Credential Program will provide grants of \$4,000 per participant per year for up to five years for eligible applicants to develop and implement a Classified School Employees Teacher Credentialing Program to recruit classified school employees to participate in a program designed to support the completion of a degree and teacher preparation program and provide instructional service as fully credentials teachers.

Mason moved, Oaks seconded, and the Board voted 5-0-0 to approve the grant for a Classified School Employees Teacher Credentialing Program.

19.15 Revise job description for Behavioral Health Specialist I

Staff is requesting a revision to the job description for Behavioral Health Specialist I to include the social work authorization on the Pupil Personnel Services credential. This addition will broaden the range in credentialing so candidates can more fully assist students in direct crisis intervention and support.

Oaks moved, Mayo seconded, and the Board voted 5-0-0 to approve the revised job description for Behavioral Health Specialist I.

19.16 Revision to BP 2310: Conflict of Interest

Under California Government Code section 87300 and following, local governmental agencies such as cities, counties and school districts are required to adopt and periodically update a Conflict of Interest Code which requires disclosure of certain financial interests on FPPC Form 700.

The Board of Supervisors for each county serves as the code-reviewing body, and works with local agencies to ensure that the agency’s Conflict of Interest Code, the list of Designated Positions and the Categories of Reportable Economic Interests are reviewed and updated as necessary biennially during even-numbered years.

Beginning July 1, 2016, several position changes have been made by the district. Attached is the proposed revision which shows positions to be added to the list of required filers as underlined, and designated positions to be deleted as lined out. Some of the listed positions are vacant. A position needs to remain on the list as long as a position description exists and the position has not been abolished or eliminated by board action. No changes were made or are proposed to the Conflict of Interest Code itself.

Mason moved, Lawrence seconded, and the Board voted 5-0-0 to approve the revisions to Board Policy 2310: Conflict of Interest.

19.17 Execution of Documents

During this time, the Superintendent and Board Members will execute documents approved during this meeting.

19.18 Meeting Extension

A meeting extension was not required.

FUTURE AGENDA ITEMS

Ms. Hansen shared that a Board Governance Meeting would be conducted in December, 2016.

CLOSED SESSION

The Board did not return to Closed Session.

RECONVENE OPEN SESSION

N/A

ADJOURNMENT

The meeting was adjourned 10:00 p.m.

*All times indicated are approximate.

Respectfully submitted,

A handwritten signature in blue ink, reading "Nellie Meyer", is written over a horizontal line.

Nellie Meyer, Ed.D.
Superintendent